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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DERRICK SATCHELL, KALINI BOYKIN,
VALERIE BROWN, RICK GONZALES,
CYNTHIA GUERRERO, RACHEL
HUTCHINS, TYRONE MERRITT, KELVIN
SMITH, SR., and KEN STEVENSON, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

FEDEX EXPRESS, a Delaware corporation,
Defendant.

Case No. C 03-2659 SI; C 03-2878 SI

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER RE: MAILING NOTICE**

1 WHEREAS, on November 28, 2005, the Court issued its Order re: Class Notice;

2 WHEREAS, that Order provides that “By November 30 or the earliest practicable
3 date thereafter, FedEx will provide Class Counsel with a computer-readable” Class List,
4 including class member names, addresses, employee ID numbers, and Social Security Numbers;

5 WHEREAS, FedEx has stated that the “earliest practicable” date upon which it can
6 produce the Class List is December 30, 2005;

7 WHEREAS, the Order provides that Class Counsel or a claims administrator
8 retained by Class Counsel must mail the notice to the Class List within seven days of receipt of
9 the Class List;

10 WHEREAS, due to the intervening holidays and press of business at the New
11 Year, it would be extremely difficult for the claims administrator retained by Class Counsel to
12 mail the Class Notice within seven days of December 30, 2005;

13 THEREFORE, the parties propose and stipulate to the following, and request that
14 the Court so order:

15 1) FedEx will provide the Class List, consisting of a computer-readable list of
16 the full names, employee ID number(s), most current known addresses, and Social Security
17 numbers of all members of the Minority Employee Class and the African American Lower Level
18 Manager Class, directly to the claims administrator retained by Class Counsel, with a copy to
19 Class Counsel, no later than December 30, 2005.

20 2) Class Counsel may use the Social Security numbers included in the Class
21 List to (1) match class member names with the personnel and payroll data provided by FedEx;
22 and (2) find the current addresses of class members for whom the Class List contains an outdated
23 or incorrect address. In the course of so doing, Class Counsel may provide the Social Security
24 numbers to a claims administrator or a statistician. Other than these uses, Class Counsel and the
25 claims administrator and statistician shall agree to treat the social security numbers as confidential
26 information, and not share them with third parties.

3) The claims administrator retained by Class Counsel will cause the Class Notice previously approved by the Court to be sent to the Class List by first-class mail on or before January 13, 2006.

SO STIPULATED.

Dated: December 22, 2005

SEYFARTH & SHAW LLP

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Gilmore F. Diekmann, Jr.

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Dated: December 22, 2005

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Class Counsel and Counsel for the Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

